

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

HAROLD SCHWARTZ,

Defendant.

**SUPERSEDING INFORMATION**

S4 23 Cr. 004 (JHR)

**COUNT ONE**

**(Conspiracy to Defraud the United States)**

The United States Attorney charges:

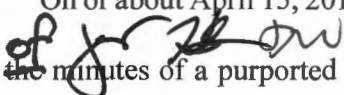
1. From in or about 2017, up to and including in or about January 2023, in the Southern District of New York, HAROLD SCHWARTZ, the defendant, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to defraud the United States and an agency thereof, to wit, the U.S. Department of Health and Human Services ("HHS"), in violation of Title 18, United States Code, Section 371.

2. It was a part and object of the conspiracy that HAROLD SCHWARTZ, the defendant, and others known and unknown, would and did defraud the United States, and an agency thereof, by impairing, obstructing, and defeating the lawful functions of HHS, to wit, HHS's function to ensure a particular daycare company ("Daycare Provider-1") that received funding for the Head Start and Early Head Start programs had in place (a) procedures and practices to "guard against personal or financial conflicts of interest" pursuant to 42 U.S.C. § 9839(a)(3)(C), and that such recipients do, in fact, guard against such conflicts of interest; and (b) "a formal structure for program governance" including a "governing body" with "legal and fiscal responsibility for administering and overseeing" Head Start and Early Head Start programs, "including the safeguarding of Federal funds" and that is "responsible for ensuring compliance

with Federal laws (including regulations)” and for “reviewing all applications for funding,” pursuant to 42 U.S.C. §§ 9837(c)(1).

Overt Act

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about April 15, 2019, HAROLD SCHWARTZ, the defendant, authorized the submission  of the minutes of a purported Daycare Provider-1 board meeting falsely reflecting that the governing body of Daycare Provider-1 had met and taken certain actions on April 9, 2019, when, in truth and in fact, the governing body had not met or engaged in such actions.

(Title 18, United States Code, Section 371.)

**COUNT TWO**  
**(Conspiracy to Falsify Documents and Records)**

The United States Attorney further charges:

4. In or about December 2021, in the Southern District of New York and elsewhere, HAROLD SCHWARTZ, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1519.

5. It was a part and object of the conspiracy that HAROLD SCHWARTZ, the defendant, and others known and unknown, would and did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of a department and agency of the United States.

Overt Act

6. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about December 21, 2021, HAROLD SCHWARTZ, the defendant, and others, caused Daycare Provider-1 to submit a letter to the regional HHS office in New York, New York, that (i) falsely denied a less-than-arm's length relationship between Daycare Provider-1 and a particular individual and (ii) falsely denied allegations concerning Daycare Provider-1's oversight of federal funds.

(Title 18, United States Code, Section 371.)

**COUNT THREE**  
**(Conspiracy to Obstruct Agency Proceeding)**

The United States Attorney further charges:

7. In or about August and September 2022, in the Southern District of New York and elsewhere, HAROLD SCHWARTZ, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, obstruction of a pending proceeding, in violation Title 18, United States Code, Section 1505.

8. It was a part and an object of the conspiracy that HAROLD SCHWARTZ, the defendant, and others known and unknown, would and did corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due and proper administration of the law under which a pending proceeding was being had before a department and agency of the United States, to wit, SCHWARTZ agreed to and did give false and misleading answers to HHS


Office of the Inspector General ("OIG") investigators during an interview, in the course of an investigation being conducted by HHS OIG into alleged wrongdoing at Daycare Provider-1.

Overt Act

9. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about September 8, 2022, HAROLD SCHWARTZ, the defendant, knowingly and intentionally made false statements concerning, among other topics, the role of the board of directors of Daycare Provider-1, to HHS OIG investigators during an interview being conducted as part of an HHS OIG investigation into alleged wrongdoing at Daycare Provider-1.

(Title 18, United States Code, Section 371.)

  
DAMIAN WILLIAMS  
United States Attorney